

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARK MARVIN,

Plaintiff,

-against-

MARTHA PELDUNAS, DARCIE M. MILLER,
COUNTY OF ORANGE,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/30/2020

**NOTICE OF MOTION
TO DISMISS**

Case No.: 16-cv-1456 (NSR)

MEMO ENDORSED

PLEASE TAKE NOTICE that upon the Declaration of Matthew J. Nothnagle, and the supporting Memorandum of Law, dated October 27, 2020, and upon all the pleadings and proceedings heretofore had herein, the undersigned, attorney for Defendants, Martha Peldunas, Darcie M. Miller, and the County of Orange, will move this Court before the Honorable Nelson S. Román, at the United States Courthouse, Southern District of New York, 300 Quarropas Street, White Plains, New York, for an order dismissing Plaintiff's Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as to this Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules for the Southern District of New York opposition papers must be served within fourteen (14) days after service of these motion papers and reply papers will be served within seven (7) days after service of such opposition papers.

Dated: Goshen, New York
October 27, 2020



Matthew J. Nothnagle (MN 4162)
Chief Assistant County Attorney
Langdon C. Chapman
County Attorney for Orange County
Attorney for Defendants
255-275 Main Street
Goshen, NY 10924
(845) 291-3150

TO:

Mark Marvin
135 Mills Road
Walden, NY 12586

The motion to dismiss is denied without prejudice for failure to follow the Judge's Individual Rules of Practice in Civil Cases Rule 3(A)(ii).

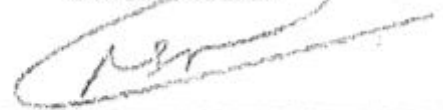
The Court waives the pre-motion conference. Defendants' motion to dismiss is deemed served. The remainder of the briefing schedule is as follows: Plaintiff's opposition shall be served, not filed, on November 30, 2020 and Defendants' reply is to be served on December 15, 2020.

All motion documents shall be *filed* on the reply date, December 15, 2020. The parties shall provide two courtesy copies of their respective documents to Chambers as the documents are served. As long as Judge Román's Emergency Rules remain in place, the parties shall also deliver copies in electronic form.

The Clerk of the Court is kindly directed to terminate the motion at ECF No. 31, mail a copy of this endorsement to the Plaintiff, and show service on the docket.

Dated: 10/30/2020
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge